

REMARKS

The high osmolyte no-rub cleaning and disinfecting solution disclosed and claimed in the present application has an effective amount of 0.9 weight percent or greater, i.e., 9.0 gm/L or greater, of an osmolyte adjusting agent to increase the osmolality of the total solution for cleaning enhancement without adversely affecting the antimicrobial efficacy of the cleaning and disinfection solution. Demonstrating the effect of increasing osmolality on the cleaning and disinfecting efficacy of the solution, applicants conducted a number of experiments, which are disclosed in the subject specification. The results of the experiments clearly show that cleaning is enhanced with increased osmolality.

Claims 1, 9, 17 and 19 have been amended to include the limitation of an osmolyte adjusting agent in a concentration of 0.9 weight percent or greater (9.0 gm/L or greater) sufficient to increase osmolality of the total solution to a level higher than that of an eye's lacrimal fluids or an osmotic value greater than 300 mOsm/kg, to enhance the cleaning efficacy of the solution without inhibiting the antimicrobial efficacy of the solution. Support for the current amendments may be found on page 6, lines 27 and 28, in addition to other locations throughout the specification.

Claims 1-5 and 7-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Riedhammer et al., U.S. Patent Number 4,820,352 (Riedhammer). Applicants respectfully traverse the subject rejection of claims 1-5 and 7-19 under 35 U.S.C. 103(a).

Riedhammer teaches an aqueous cleaning dispersion with a tonicity that may be modified with 0.9 percent saline to that of lacrimal fluids to avoid lens discomfort if not thoroughly washed from the lens (Col 5, lines 13-18). As shown in Examples I-III, to achieve a tonicity equal to that of lacrimal fluids, **0.675 weight percent, i.e., 6.75 gm/L** of sodium chloride is included in the formulation (Col 6, lines 10-62). Human lacrimal fluid has an osmolality of 300 mOsm/kg. Riedhammer teaches osmolyte agents such as **sodium chloride in the amount of 6.75 g per one liter of water to adjust the osmolality of the solution to that of lacrimal fluids, i.e., 300 mOsm/kg.**

To the contrary, the high osmolyte cleaning and disinfection method and solutions of the present invention are limited to solutions with an effective amount of 0.9 weight percent or greater (9.00 gm/L or greater) of an osmolyte that increases osmolality of the total solution to a level higher than that of an eye's lacrimal fluids or an osmotic value greater than 300 mOsm/kg. Riedhammer does not teach solutions with an effective amount of 0.9 weight percent or greater of an osmolyte that increases osmolality of the total solution to a level

higher than that of an eye's lacrimal fluids or an osmotic value greater than 300 mOsm/kg. Accordingly, Riedhammer **does not** teach all the claim limitations of the present invention. Therefore, a *prima facie* case of obviousness has **not been established** with regard to the unique no-rub solutions of the present invention. For these reasons in addition to others not set forth herein, the rejection of claims 1-5 and 7-19 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-5 and 7-19 under 35 U.S.C. 103(a) is respectfully requested.

Pending claims 1-5 and 7-19 as now written are believed to be patentable. Allowance of pending claims 1-5 and 7-19 is thereby respectfully requested.

Should there be any questions regarding this correspondence, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,



3/1/04

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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity)		Docket No. P01849
In Re Application Of: ERNING XIA ET AL.		
Serial No. 09/782,318	Filing Date FEBRUARY 13, 2001	Examiner E. B. ELHILIO
Group Art Unit 1751		
Invention: HIGH OSMOLYTE CLEANING AND DISINFECTION METHOD AND SOLUTION FOR CONTACT LENSES		
ASSISTANT COMMISSIONER FOR PATENTS Attention: Office of Petitions Box DAC Washington, D.C. 20231		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9262.		
The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. <input checked="" type="checkbox"/> A proposed reply to the above-identified notice or action: <input checked="" type="checkbox"/> is enclosed. <input type="checkbox"/> was filed on _____ The proposed reply is in the form of: RCS APPLICATION WITH AMENDMENT		
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3. <input checked="" type="checkbox"/> The abandoned application was a: <input checked="" type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.		
4. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.		
5. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.		

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Notes :

EC: Error Correct
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HS: Host Scan
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MP: Multi-Poll
RM: Receive to Memory
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HR: Host Receive

PD: Pollled by Remote
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PI: Power Interruption
TM: Terminated by user
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